

REMARKS

Claims 1-35 remain pending in this application. In the March 8, 2007 Final Office Action¹, the Examiner rejected claims 1 and 16 under 35 U.S.C § 101, as being directed to non-statutory subject matter; rejected claims 1 and 16 under 35 U.S.C § 112, second paragraph, as being indefinite; and rejected claims 1-35 under 35 U.S.C § 102(e), as being anticipated by U.S. Published Patent Application No. 2006/0064330 to Sumino et al. (*Sumino*). Applicants respectfully traverse each of the Examiner's rejections.

I. Rejection of Claims 1 and 16 under 35 U.S.C § 101

Applicants respectfully traverse the rejection of claims 1 and 16 under 35 U.S.C. § 101. The Examiner alleges that "[t]he claim limitations do not recite in detail what this 'assigned action' is nor do the claims recite in detail what would be the end result of performing a particular 'action' to the data objects." (Final Office Action, page 4). However, 35 U.S.C § 101 requires only that the claimed inventions recite a "useful, concrete, and tangible result," (MPEP § 2106). Section 101 does not require the claims to "recite in detail" elements of the claims as the Examiner alleges. Applicants submit that within the context of the claimed elements of claims 1 and 16, "processing said determined data objects and said initial data objects to assign an action to said determined data objects and said initial data objects," at least, constitutes a "useful, concrete, and tangible result" under 35 U.S.C § 101. Accordingly, the rejection of

¹. As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

claims 1 and 16 under 35 U.S.C § 101 is improper and should be withdrawn for at least these reasons.

II. Rejection of Claims 1 and 16 under 35 U.S.C § 112

Applicants respectfully traverse the rejection of claims 1 and 16 under 35 U.S.C. § 112, second paragraph. The Examiner alleges that “[t]he claim limitations do not include a detailed description about the type...of data objects...that are presented in the claims nor do the claims include a detailed description...including the functionality of chains.” (Final Office Action, page 4). However, under 35 U.S.C § 112, second paragraph, Applicants’ claims need only particularly point out and distinctly claim the subject matter. There is no requirement to include a “detailed description” as the Examiner alleges. Furthermore, Applicants submit that claims 1 and 16 particularly point out and distinctly claim the subject matter. Section 112 requires no more. Accordingly, the rejection of claims 1 and 16 under 35 U.S.C § 112, second paragraph, is improper and should be withdrawn.

III. Rejection of Claims 1-35 under 35 U.S.C § 102(e)

Applicants respectfully traverse the rejection of claims 1-35 under 35 U.S.C § 102(e) as being anticipated by *Sumino*. As earlier pointed out to the Examiner in Applicants’ Reply of December 15, 2006, the present application is entitled to priority dates of March 31, 2003 and April 30, 2003 based on the properly filed PCT Applications PCT/EP03/03334 and PCT/EP03/04518, respectively. The *Sumino* reference that has been applied by the Examiner has a PCT filing date of May 22, 2003.

Both priority dates of the present application predate the *Sumino* filing date.

Furthermore, although the Examiner refers to a May 24, 2002 filing date of a Japanese application in the Final Office Action (page 5), that application's filing date does not properly qualify *Sumino* as prior art under 35 U.S.C § 102(e).

In a telephone conversation on June 7, 2007 with Applicants' representative, the Examiner admitted that the Japanese filing date of *Sumino* was not valid against the present application and that *Sumino* was not a proper references under 35 U.S.C § 102(e). The Examiner stated that a new, non-final Office Action was required. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-35 under 35 U.S.C § 102(e) and issue a new, non-final Office Action.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application, the withdrawal of all outstanding rejections, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: June 8, 2007

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